IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO. 1038 OF 2004

IN

MISC. APPLICATION NO. 1 OF 2004

IN

CHAMBER ORDER NO. 99 OF 2004

IN

TESTAMENTARY SUIT NO. 17 OF 1996

IN

TESTAMENTARY PETITION NO. 132 OF 1996

ILA PANDYA ... PETITIONER/PLAINTIFF

VERSUS

SMITA AMBALAL PATEL ... CAVEATRIX/DEFENDANT

AND

MS. FERESHTE SETHNA ... APPLICANT

Mr. S.H. Doctor with Mr. J.P.Sen i/b. Mehta & Girdharlal for the Plaintiff.

Ms. Smita Patel - Caveatrix in person.

Ms. Anuradha Dutt & Shrirang Shrimani for the Applicant.

CORAM: S.K.SHAH,J.

DATE : 23rd September,2004.

P.C.

Heard the Caveatrix who has taken out this Chamber Summons. The Chamber Summons is for getting the certified copies of the Miscellaneous Application No. 1 of 2004 in Testamentary Suit No. 17 of 1996 and also the transcript of the tape-recorded conversation which are filed in the Misc. Application No.1 of 2004.

2. Misc. Application No. 1 of 2004 was filed by the Advocate, Ms. Fereshte Sethna against her former client incidentally the Plainiff in the Testamentary Suit No.17 of 1996.

3. It is to be noted that earlier, in Misc. Application No.1 of 2004, the Caveatrix who has taken out this Chamber Summons is not a party. The Misc. Application No.1 of 2004 was filed by the Advocate against her client, the Plaintiff in the Testamentary Suit No.17 of 1996, for taking action for perjury. That Misc. Application was taken out because some allegations were made by the Plaintiff against the Advocate.

4. The Caveatrix has requested for certified copies of the aforesaid documents for the purpose of

producing in Court, particularly in the Supreme Court where the SLP is filed against the order passed by this Court in Testamentary Suit No.17 of 1996.

5. I do not find any reason as to why these copies are required in various proceedings. The Misc. Application No.1 of 2004 was between the Advocate and her client to which this caveatrix is not a party. She is totally unconcerned with the Misc. Application No.1 of 2004, although it is a fact that that Misc. Application arose out of the Advocate and her client's relations concerning the Testamentary Suit No.17 of 1996. Earlier, similar request was made by the caveatrix and the same was rejected. I do not find any ground now to accept her request.

As such, the Chamber Summons is rejected.

(S.K.SHAH,J.)